



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Marco Ricketts,  
Department of the Treasury

CSC Docket No. 2019-450

Classification Appeal

ISSUED: SEPTEMBER 7, 2018 (SLK)

Marco Ricketts appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of his position with the Department of the Treasury is Investigator 3, Taxation (Investigator 3). The appellant seeks an Investigator 2, Taxation (Investigator 2) classification.

The record in the present matter establishes that the appellant's permanent title is Investigator 3. The appellant sought reclassification of his position, alleging that his duties were more closely aligned with the duties of an Investigator 2. The appellant is assigned to the Division of Taxation, Collection and Enforcement Activity, Collection A, Fair Lawn D unit and reports to Maricar Taino, Investigator 1, Taxation. The appellant has no direct supervisory responsibility. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that he performs. Agency Services reviewed and analyzed the PCQ completed by the appellant and all information and documentation submitted. In its decision, Agency Services determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Investigator 3.

On appeal, the appellant argues that he is a lead worker. Specifically, the appellant presents that he is the sole subject matter expert (SME) in his unit. He indicates that he trains and mentors Trainees and other Investigators to assist them with complex matters. The appellant states that he is the point person to train his group and that he attends training sessions so that he can then train others on new procedures. He represents that he is the lead person handling

Bergen County liquor license issues. The appellant states that either a town's clerk or taxpayer contacts him to resolve liquor license issues. He indicates that he leads his group in investigating suspected criminal violations concerning various New Jersey tax laws. The appellant states that he acts as a lead worker while his primary responsibility is managing his own assigned cases.

## CONCLUSION

*N.J.A.C. 4A:3-3.9(e)* states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification Investigator 3 states:

Under the supervision of an Investigator 1, Taxation, Supervising Investigator, Taxation or other supervisory official in the Division of Taxation, Department of the Treasury, performs routine investigations as they relate to the collection of tax revenues, delinquent and/or deficient taxes, abatements, and enforcement of the tax statutes administered by the Division of Taxation; may be assigned to either a field or central office location; does related work as required.

The definition section of the job specification for Investigator 2 states:

Under the direction of an Investigator 1, Taxation, Supervising Investigator, Taxation or other supervisory official in the Division of Taxation, Department of the Treasury, performs investigations of a more complex nature as they relate to the collection of tax revenues, delinquent and/or deficient taxes, abatements, and enforcement of tax statutes administered by the Division of Taxation; takes the lead over investigative staff and assists in the training of subordinate investigators; may be assigned to either a field or central office location; does related work as required.

In this present matter, even if the appellant is considered to be performing investigations at the complexity level required for an Investigator 2 classification, it is clear that the appellant's position is properly classified as Investigator 3. In addition to the complexity of work, the main difference between the Investigator 2 and 3 titles are that Investigator 2s are lead workers whereas this is not a criterion for an Investigator 3 classification. A leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or a lower level than themselves. Duties and

responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. Being a lead worker does not mean that the work is performed by only one person, but involves mentoring others in work of the title series. *See In the Matter of Henry Li* (CSC, decided March 26, 2014).

A review of the appellant's PCQ indicates that he spent time independently in charge of liquor license cases in Bergen County (40%). Additionally, he mostly independently investigated and enforced compliance concerning various New Jersey tax law with some unspecified time working with, assisting, and training unspecified new hires and other Investigators (30%). Further, he provided individual and group training and oversaw Trainees in various areas (25%) and assisted with the collection of outstanding judgments (5%).

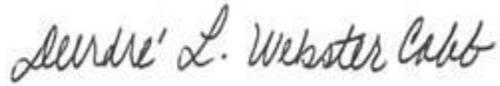
In other words, the appellant's PCQ indicates that while he may train, oversee, and provide other assistance to Trainees and other Investigators some of the time, he is not responsible for the training, assigning and reviewing of work of specific named individuals on a daily basis and leading projects and programs, such as being in charge of liquor license cases in Bergen County, is not the same as being a lead worker of staff. *See In the Matter of Amanda Cappetta, et al.* (CSC, decided July 18, 2018). It is further noted that being the sole expert in a particular area does not establish that the appellant's position should be classified by a lead worker title. *See In the Matter of John Freise* (CSC, decided May 1, 2013). Instead, it is clear based on the appellant's PCQ and acknowledgement on appeal, that he spends the majority of his time and his primary responsibility is to manage his own assigned cases which is consistent with an Investigator 3 classification.

### **ORDER**

Therefore, it is ordered that this appeal be denied, and the position of Marco Ricketts is properly classified as Investigator 3, Taxation.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 5<sup>th</sup> DAY OF SEPTEMBER, 2018



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